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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

NATHAN KEVIN TURNER, Plaintiff, v. BONNIE DUMANIS, DISTRICT ATTORNEY OF THE COUNTY OF SAN DIEGO; SAN DIEGO POLICE DEPT.; DETECTIVE A. FRAGOSO OF THE SAN DIEGO COUNTY POLICE DEPT.; DETECTIVE J. DREIS OF THE SAN DIEGO COUNTY POLICE DEPT.; SAN DIEGO CRIME LAB AND THE ATTORNEY GENERAL OF THE STATE OF CALIF., Defendants.	Case No. 08CV360 W (RBB) **DEFENDANTS DETECTIVE J. DREIS AND THE SAN DIEGO POLICE DEPARTMENTS' NOTICE OF MOTION AND MOTION TO DISMISS** **[Fed. R. Civ. P. Rule 12(b)(6)]** Date: July 14, 2008 Time: 10:30 a.m. Courtroom: 7 Judge: Hon. Thomas J. Whelan **NO ORAL ARGUMENT UNLESS REQUESTED BY COURT**

TO: PLAINTIFF, ATTORNEY PRO PER:

PLEASE TAKE NOTICE that on July 14, 2008, at 10:30 a.m., or as soon thereafter as this matter may be heard, in the Courtroom of the Honorable Thomas J. Whelan, United States District Court Judge, Courtroom 7 located at the United States District Court for the Southern District of California, 940 Front Street, San Diego, CA, Defendants San Diego Police Department and Detective J. Dreis ("SDPD/Dreis") will move, and hereby moves, this Court to dismiss the complaint against the SDPD/Dreis pursuant to Rule 12(b)(6) of the *Federal Rules of Civil Procedure*.

For the reasons set forth in the attached Memorandum in Support of this Motion, incorporated herein by reference and on the records and files in the case and on such additional argument or evidence as may be presented at hearing, said Defendants respectfully request that the Complaint in this matter as to the SDPD/Dreis be dismissed.

Respectfully submitted,

Dated: June 13, 2008

MICHAEL J. AGUIRRE, City Attorney

By /s/ Walter C. Chung
DANIEL M. BAMBERG
WALTER C. CHUNG
Deputy City Attorneys

Attorneys for Defendants
City of San Diego Police Department and
Detective J. Dreis